IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8613 OF 2005

Framroze Cowasji Panthaki ...Petitioner

Versus

Smt.Ranjana Chandrakant Dhuru
& Ors. ...Respondents

Shri U.J.Makhija i/b Vikram Philip &
Associates for the petitioner.

Shri R.A.Thorat for Respondent Nos.1 to 5.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 16th JANUARY, 2006.

P.C.

1. Heard Shri Makhija appearing for the petitioner and Shri Thorat appearing for respondent Nos.1 to 5.

2. After having perused the annexures to the Writ Petition and the impugned order, in my view, no case is made out for interference under Article 227 of the Constitution of India with the

order allowing amendment of plaint to furnish measurement relating to the suit property. It is clear that mere incorporation of the plea pertaining to measurement does not take away the right of the petitioner, to contest the merits of the plea, by filing additional written statement as also by reproducing relevant material. Petition dismissed.

3. At the request of Shri Thorat time to carry out amendment is extended by two weeks from today. Needless to state that additional Written Statement shall be filed within a period of four weeks from the date of service of amended plaint.

(S.C.DHARMADHIKARI, J)